



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Jennifer Warner
Director

September 8, 2017

TO: Michigan Court Forms Committee, Child Protective Proceedings Workgroup

FROM: Matthew Walker, Forms and Manuals Analyst

RE: Agenda and Materials for **September 21, 2017 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa St., Lansing, MI 48915

Below is the agenda for the September 21, 2017 meeting of the Michigan Court Forms Committee, Child Protective Proceedings Workgroup. The meeting will be held in room 1S-69 at 9:30 a.m. Please note that our office is located at 925 W. Ottawa St., Lansing, MI 48915.

Please bring these agenda materials to the meeting. Although documentation is provided with the agenda, it would also be helpful to bring a copy of the Michigan Court Rules and any other resources you believe are necessary.

1. Minor Changes

JC 49, Order of Adjudication

Spelling errors in item 15 will be corrected. Draft provided.

JC 53, Notice to Putative Father

The citation will be corrected to MCR 3.921(D). Draft provided.

JC 83, Affidavit of Efforts to Locate Absent Parent

The citation to SCAO ADM Memo 2005-07 will be removed because it is no longer posted online and contains no legal or procedural requirements. References to the Michigan Department of Human Services will be updated to the Michigan Department of Health and Human Services.

Public Comments:

- Paul M. Brewster
Lewinski & Brewster, P.C.
Sault Ste. Marie, MI

In response to the Since Michigan law (MCL 55.287) requires, inter alia, notaries to print their names beneath their signatures, it only makes sense to have a place for the notary's printed name on all forms requiring notarization.

This time around, this would apply to jc83. There is certainly room on the proposed form and it is required by law.

2. JC 02, Complaint (Request for Action, Child Protective Proceedings)

It has been suggested that this form be deleted. SCAO analysts would like to discuss how courts use this form, including use to seek a protective custody order under MCR 3.963(B).

3. JC 04b, Petition (Child Protective Proceedings)

- A. It has been suggested that the words "and/or hearing" be removed from the authorization section on this form. By removing these words, courts would then have to fill out form JC 11a, Order after Preliminary Hearings for all preliminary hearings whether the child is removed or not. Do courts authorize petitions during preliminary hearings without completing JC 11a? Should this suggestion be adopted?
- B. It has been suggested that item 3 of this form be modified to include a field for specifying any court with prior continuing jurisdiction as required by MCR 3.961(B)(2)(d). The suggester states that the additional information would account for minor guardianships and ensure cases are appropriately assigned under the one family-one judge philosophy.

MCR 3.961(B)(7) already requires petitions to list pending or resolved actions within the jurisdiction of the family division of the circuit court in accordance with MCR 3.206(A)(4). This does not include guardianship cases. However, if a guardianship were in place at the time of filing the petition, the guardian would likely be the respondent. In

addition, legal guardianship can be an approved permanency plan under MCR 3.976 and courts often dismiss the abuse and neglect petition if permanency is achieved.

Should this suggestion be adopted?

Public Comments:

- Scott Hamilton
Juvenile Court Referee Supervisor
Oakland County Circuit Court – Family Division

Our primary “authorization” form has always been the petition itself. I guess we’ve not viewed the JC 11a or our [locally-created] inquiry order as you do – the authorizing document. But, the JC11a does authorize the petition. It gets me to wondering what other courts do and think around the state. Do they even bother affixing their signature to a petition when it is authorized by a JC 11a? If we had both forms state-wide (a SCAO version of our inquiry form and the JC 11a), would there even need to be a signature line on the petition? Same for delinquency cases? Maybe. There seems to be nothing in the court rules requiring the court to authorize a petition by affixing the court signature to that document. In Oakland County, we do not “authorize” supplemental or amended petitions by signing them. We simply take them and hold hearings on them in the same way we do signed petitions. Maybe it would be better to sign NO petitions.

I guess that check box or current language is helpful to us because this is the way we’ve done it all along. We sign that petition no matter if it’s after a hearing or an inquiry. If you keep the language, I would suggest simply eliminating the word “and/”. If you eliminate the whole phrase, I will train our hearing officers to sign the original petition only after an inquiry. If I was in control of the SCAO forms universe, I think I would look at eliminating the signature lines and authorization boxes completely on all petitions and come up with a form to use for authorizations after inquiries as well as hearings in DL and NA cases.

4. JC 19, Order After Dispositional Review/Permanency Planning Hearing

- A. A new item 20 has been suggested to accommodate the reasonable prudent parent standard listed in 2016 PA 497.
- B. It has been suggested that item 12 (reasonable efforts to preserve and reunify the family) and item 17 (reasonable efforts to finalize the court-approved permanency plan) of this form be combined or restructured to reduce redundancy.

This suggestion was made during the federal Title IV-E compliance audit after federal auditors indicated the separate items were confusing and somewhat redundant because reasonable efforts to preserve and reunify can be used to justify efforts towards the permanency plan of reunification.

Both reasonable efforts are required by MCL 712A.19a(2) and MCL 712A.19a(4), respectively. Should these items be restructured? If so, how?

In addition to the above items, the footer citation to MCR 3.921 will be corrected and additional writing space will be added to item 8a.

Draft provided.

5. JC 98, Petition to Terminate Appointment of Juvenile Guardian, Notice of Hearing, and Order for Investigation

It has been suggested that a note be added to this form instructing the petitioner that the notice of hearing must be served on the juvenile guardian and interested parties to reduce adjournments because of lack of service.

Should this suggestion be adopted?

6. New Form Request: Transfer from State Court to Tribal Court

It has been suggested that a new form be created for case transfers from state courts to tribal courts under MCR 3.905(C)(1). The suggester stated that creating an order may be a simple matter for courts, but a SCAO-approved form may make practice easier.

Should this form be developed?